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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,294	11/03/2000	Jennifer Elizabeth Pozniak	14541.1	6744
23556	7590	11/21/2003	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			ANDERSON, CATHARINE L	
			ART UNIT	PAPER NUMBER
			3761	
			DATE MAILED: 11/21/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,294

Applicant(s)

POZNIAK ET AL.

Examiner

C. Lynne Anderson

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claim 16, 19, 25, and 28 are objected to because of the following informalities:

The side panels are disclosed, when previously front and back panels were disclosed.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 4-7, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Olson (6,447,497).

Olson discloses a pant-like, refastenable, disposable absorbent article 20, as shown in figure 1, comprising a front waist region 22, a rear waist region 24, a crotch region 26, a longitudinal direction and a lateral direction. The article 20 further

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comprises an absorbent chassis 32 including a pair of laterally opposed side edges 36 and a pair of longitudinally opposed waist edges 38, 39. A pair of opposed side panels 134 extend outward from the back waist region 24 and are permanently attached to the side edges of the absorbent chassis 32 at first side margins 66, as shown in figure 2. A second side margin 68 is releasably attached to the front waist region 24 to provide a releasable joint. Fasteners 83 are permanently attached to the side panels 134, as shown in figure 7A, to provide the releasable joint. The releasable joint further comprises one or more releasable bonds, as disclosed in column 20, lines 41-54. The releasable bonds are ultrasonic and become destroyed upon first disengagement.

With respect to claim 2, the absorbent chassis 32 comprises an outer cover 40, a bodyside liner 42, and an absorbent core 44 disposed therebetween, as shown in figure 3.

With respect to claim 4, the fasteners 83 are hook and loop, as disclosed in column 16, lines 43-44.

With respect to claim 5, at least one attachment panel 85 is refastenably engaged to the fastener 83, as shown in figures 7A and 7B. The absorbent chassis 32 may comprise the element 34 shown in figure 7A, as disclosed in column 9, lines 45-48. The attachment panel 85 is therefore located on an exterior surface of the absorbent chassis 32.

With respect to claim 6, the absorbent chassis 32 comprises an outer cover 40 which provides an exterior surface to which the fasteners 83 are refastenably engaged, as disclosed in column 15, lines 57-59.

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With respect to claim 7, the side panels 134 are extensible in the lateral direction, as disclosed in column 14, lines 54-56.

With respect to claim 10, the fasteners 83 are attached to the second side margin 68 of the side panel 134 and extend inwardly toward the article center line, as shown in figure 7A.

With respect to claim 11, the fastener ears are capable of being stretched, or extended, in at least the lateral direction.

With respect to claim 23, Olson further discloses a pair of opposed front panels 34 which are permanently attached to the side edges 66 of the absorbent chassis 32 in the front waist region 22. The front panels 34 and back panels 134 are releasably connected together along a side seam to provide a releasable joint, as shown in figure 7B.

With respect to claim 24, the absorbent chassis 32 comprises an outer cover 40, a bodyside liner 42, and an absorbent core 44 disposed therebetween, as shown in figure 3.

With respect to claim 25, the panels 34 and 134 are extensible in the lateral direction, as disclosed in column 14, lines 54-56.

With respect to claim 28, the fasteners 83 are attached to the second side margin 68 of the side panel 134 and extend inwardly toward the article center line, as shown in figure 7A.

With respect to claim 29, the fastener ears are capable of being stretched, or extended, in at least the lateral direction.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehner et al. (5,605,735) in view of Elsberg (6,287,287).

Zehner discloses all aspects of the claimed invention with the exception of the releasable bonds. Zehner discloses a pant-like, refastenable, disposable absorbent article 20, as shown in figure 1, comprising a front waist region, a rear waist region, a crotch region, a longitudinal direction and a lateral direction. The article 20 further comprises an absorbent chassis, as shown in figure 1, including a pair of laterally opposed side edges 118 and a pair of longitudinally opposed waist edges 116. A pair of opposed back panels 90 are permanently attached to the side edges of the absorbent chassis in the back waist region, as shown in figure 3. A pair of opposed front panels 68 are releasably attached to the side edges of the absorbent chassis in the front waist region and are connected to the back panels along a side seam, as shown in figures 3 and 3A. A fastener 78 is permanently attached to the front panels 68, as shown in figure 3A and engages the exterior surface of the absorbent chassis in the front waist region.

Elsberg teaches the use of one or more releasable bonds in combination with a resealable fastener, as disclosed in column 15, lines 13-15. The releasable bonds are

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adhesive, thermal, cohesive, and ultrasonic, as disclosed in column 16, lines 54-56.

The releasable bonds provide improved reliability, as disclosed in column 15, lines 7-9.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the article of Zehner with resealable bonds, as taught by Elsberg, to improve the reliability of the article.

With respect to claim 15, the absorbent chassis includes an outer cover 22, a bodyside liner 24, and an absorbent core 26 located therebetween, as shown in figure 1A.

With respect to claim 16, the panels are extensible in at least the lateral direction, as disclosed in column 13, lines 41-45.

With respect to claim 19, the fasteners 78 include a fastener ear that is attached to the second side margin of panels 90 and extend inwardly toward the center line, as shown in figure 4A.

With respect to claim 20, the fastener ears are extensible in at least the lateral direction.

### ***Response to Arguments***

Applicant's arguments filed 22 September 2003 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Olson and Zehner et al.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cmg

cla  
November 13, 2003



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**